

REMARKS

Claims 9-15 and 18-25 are currently pending. Claims 9-12, 14, 15, 18-23, and 25 have been amended for clarification. The amendment of the claims is supported by the original disclosure, including the original claims. It is respectfully submitted that no new matter has been added.

Claim Rejections – 35 USC § 102

The Patent Office rejected claims 10 and 11 under 35 U.S.C. 102(b) as being anticipated by Dalsgaard, WO 00/16581.

Dalsgaard discloses a system for the mobile stations capable of using the GPRS service, to facilitate cell reselection. The serving base station sends to the mobile station information which neighbour base stations support GPRS e.g. in a PSI3 message transferred in a PBCCH channel. Cell reselection, when needed, is then performed directly at the GPRS level without reading the cell list sent by the base station in the BCCH channel of the basic GSM and without receiving the BCCH transmission from each base station of the cells in the list, for selecting the most favorable cell. This saves time and reduces the signaling in the radio paths and thus the power consumption in the mobile station.

In the present system the base station sends a first message (SI3) on a first BCCH, the (only) spare bit in which message indicates, whether the cell in question supports the UMTS service. If yes, the base station sends a second message on the first BCCH, in which a second BCCH is announced for the mobile stations capable of using UMTS service. The UMTS service information is then broadcast on the second BCCH to those mobile stations. In the cells that support both UMTS and GPRS, the second message is S113, and in the cells that support UMTS but not GPRS, the second message is SI13alt, because S113 is not available in this case.

Regarding the independent product claim 10, the Patent Office presents the arguments (each argument followed by Applicant's rebuttal):

1)"... wherein an availability of one of the two or more service modes is indicated through a single spare bit in the first message".

This is incorrect because the serving base station sends in the first message to the mobile station the information which neighbour base stations support GPRS, and not only the availability of a service. A single spare bit is not nearly enough for said information in the

Dalsgaard's system.

2)"... if it is indicated that the one of the two or more service modes is available, then a second broadcast control channel through which service information of the one of the two or more service modes is to be broadcast is described."

In fact no second broadcast control channel for said purpose is described.

The Patent Office has not referred to any passage in the Dalsgaard's publication, where such a matter would be mentioned.

The Patent Office to long passages (page 5, line 4, through page 6, line 34; page 12, lines 10-15; MS needs information describing second broadcast control channel (PBCCH) from SI13 message) as if it would help to prove the Patent Office's assertion. In fact no mention about second broadcast control channel, on which service information is broadcast, can be found. The mobile station selects a new cell on grounds of the information in the first message. In addition, measurements of the signal level of the possible base stations are made, but this concerns the neighbour base stations and not the base station which has sent the first message.

Accordingly, Dalsgaard does not anticipate claims 10 or 11.

Claim Rejections – 35 USC § 103

The Patent Office rejected claims 12 and 14 under 35 U.S.C. 103(a) as being unpatentable over Dalsgaard, WO 00/16581.

Claim 12 recites as follows: "An apparatus as in claim 10, wherein the single spare bit is a spare bit in the SI3 rest octets."

Claim 14 recites as follows: "An apparatus as in claim 10, wherein the single spare bit represents the only previously undedicated bit in the SI3 message."

Please find below excerpts from MPEP 2144.03 about Official Notice.

MPEP 2144.03, in pertinent part, states as follows:

Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113. Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable

demonstration as being well-known.

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.

Applicant challenges the Patent Office's taking of Official Notice.

Applicant requests that the Patent Office provide a reference with a teaching for the subject matter of each of claims 12 and 14. If the Patent Office is relying on personal knowledge to support the finding of what is known in the art, Applicant requests that the Patent Office provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104 (d)(2).

At least for the reasons provided above for the allowability of claims 10 and 11, claims 12 and 14 are patentable.

The Patent Office rejected claims 9, 13, 15, 18, 19, and 25 under 35 U.S.C. 103(a) as being unpatentable over Dalsgaard, WO 00/16581, in view of Mildh, U.S. Published Patent Application No. 2002/0193139.

Regarding the independent method claim 18, the Patent Office presents the following arguments (each argument followed by Applicant's rebuttal):

1) "Dalsgaard discloses a method comprising: in a cell ... a radio resource management system of the radio access network comprising a first and a second message... which messages are transferred on a first broadcast control channel".

This is not correct. The messages (PSI3 and SI3) mentioned by Dalsgaard are optional. Both of them are not transferred on a first broadcast control channel in the Dalsgaard's method.

2)"... said first message ... using said at least one spare bit for broadcasting of a possibility to use a service by indicating whether said cell supports said service (abstract; page 1, lines 27—30; page 4, lines 15—30, page 8, lines 14—26; determined service of neighbour cells using at least one-bit information of PSI3 or SI3)".

This is not correct. The message in question indicates whether the neighbour cells of "said cell" support the service, and not whether "said cell", or the cell where the mobile station has been camped, supports the service. So only the passage "service of neighbour cells" is true in

the citation above.

3)”... in a favorable case in which the global system for mobile communications radio access network controlled cell is determined to support the service, describing a second broadcast control channel in the second message to at least mobile stations (page 5, lines 4—33; page 6, lines 1—34; page 12, lines 10—15; MS needs information describing second broadcast control channel (PB CCH) from S113 message)).

First: It is unclear which cell is determined to support the service. As described above, in Dalsgaard’s system the information in the first message concerns a plurality of neighbour cells.

Second: No second message and no second broadcast control channel occur in Dalsgaard’s system and are mentioned in the publication. The Patent Office’s assertion “MS needs information describing second broadcast control channel” is without basis in Dalsgaard.

Third: The Patent Office refers to the passage page 5, line 4 to page 6, line 34 in Dalsgaard’s publication, but does not indicate with particularity where the claimed subject matter is found with accuracy of a couple of lines.

4)”... and broadcasting the service information for mobile stations on the second broadcast control channel (page 9, lines 6—24; page 12, lines 3—24; mobile station tunes to selected control channel to obtain service)”.

Also here it is referred to long passages as if it would help to prove the Patent Office’s assertion. In fact no mention about second broadcast control channel, on which service information is broadcast, can be found. The mobile station selects a new cell on grounds of the information in the first message. In addition, measurements of the signal level of the possible base stations are made, but this concerns the neighbour base stations and not the base station which has sent the first message.

Mildh discloses in paragraph 0016 that a bit could be used to select the 2G (or 3G) core network if the mobile station has no previous active registration in either core network when it is turned on.

Neither Dalsgaard nor Mildh provides any suggestion about the kind of configuration claimed by Applicant. In particular, neither Dalsgaard nor Mildh disclose the solution to the case when a cell supports UMTS but not GPRS.

As Mildh, in which the UMTS is mentioned, does not remedy the above noted

deficiencies of Dalsgaard, claims 9, 13, 15, 18, 19, and 25 are patentable over Dalsgaard in view of Mildh.

The Patent Office rejected claims 20-23 under 35 U.S.C. 103(a) as being unpatentable over Dalsgaard, WO 00/16581, in view of Mildh, U.S. Published Patent Application No. 2002/0193139, and further in view of ETSI 3GPP 04.18 v 9.0.

ETSI 3GPP 04.18 v 9.0 does not remedy the above noted deficiencies of Dalsgaard and Mildh.

Thus, claims 20-23 are patentable over Dalsgaard, WO 00/16581, in view of Mildh, U.S. Published Patent Application No. 2002/0193139, and further in view of ETSI 3GPP 04.18 v 9.0.

The Patent Office rejected aim 24 under 35 U.S.C. 103(a) as being unpatentable over Dalsgaard, WO 00/16581, in view of Mildh, U.S. Published Patent Application No. 2002/0193139, and ETSI 3GPP 04.18 v 9.0, as applied to claim 3 above, and further in view of Raith, U.S. Patent No. 5,930,706.

Raith does not remedy the above noted deficiencies for Dalsgaard, Mildh, and ETSI 3GPP 04.18 v 9.0.

Raith, in column 21, lines 22-57, discloses as follows:

The F-BCCH and E-BCCH allow the system to transmit different kinds of overhead information at different rates depending on its importance to the proper operation of the mobile stations. **Information defining the system configuration and the rules for system access by the mobile stations is transmitted in the F-BCCH. Since this information should be transmitted at a rate which allows the mobile station to quickly access the system, a complete set of this information is sent in the F-BCCH once every superframe.** Less critical overhead information, however, may be transmitted at a lower rate in the E-BCCH. A complete set of E-BCCH information may span several superframes. The S-BCCH, on the other hand, allows the system to decouple the transmission of overhead information from the broadcast SMS by providing a dedicated channel for SMS messages.

To decouple the requirement of periodicity of reading of the overhead information by the mobile station (for purposes of efficient sleep mode operation) from the requirement of periodicity of BCCH transmission by the system (for purposes of fast acquisition at cell selection), **each of the F-BCCH and E-BCCH subchannels is associated with a change flag in another logical subchannel, which indicates when the corresponding BCCH information has changed (e.g., changes in the**

F-BCCH are indicated by a change flag in the PCH and changes in the E-BCCH are indicated by a change flag in the F-BCCH). The change flags enable a mobile station to avoid re-reading BCCH information which has not changed thereby reducing battery drain, as taught in U.S. Pat. No. 5,404,355. The mobile station will first read the required BCCH information when acquiring the DCCH. Thereafter, however, the mobile station will read only changed BCCH information and can stay in sleep mode when there is no change in the BCCH information. This allows for efficient sleep mode operation (i.e, low periodicity of reading BCCH information) and, at the same time, fast acquisition at cell selection (i.e., higher periodicity of BCCH transmission).

Raith discloses a change in the F-BCCH is indicated by a change flag in the PCH and a change in the E-BCCH is indicated by a change flag in the F-BCCH. Raith also discloses "Information defining the system configuration and the rules for system access by the mobile stations is transmitted in the F-BCCH" once every superframe. Raith does not disclose or suggest "Iu indicator field indicating, whether normal broadcast control channel or extended broadcast control channel is used to transfer the second message," where the first message comprises the Iu indicator field.

Thus, claim 24 is patentable over Dalsgaard, Mildh, ETSI 3GPP 04.18 v 9.0, and Raith.

It is respectfully submitted that the rejection of claim 10 and 11 under 35 U.S.C. 102(b) as anticipated by Dalsgaard, and the rejections of claims 9, 12-15 and 18-25 under 35 U.S.C. 103(a) based on Dalsgaard, whether or not in view of Mildh, ETSI 3GPP 04.18 v 9.0, and/or Raith, have been overcome, and respectfully requested that the Patent Office reconsider and remove the rejections of these claims. The Patent Office is respectfully requested to favorably consider and allow all of the pending claims 9-15 and 18-25 as now presented for examination. An early notification of the allowability of claims 9-15 and 18-25 is earnestly solicited.

Serial No.: 10/501,019
Art Unit: 2617



Respectfully submitted:

Walter J. Malinowski

Walter J. Malinowski

March 11, 2009

Date

Reg. No.: 43,423

Customer No.: 29683

HARRINGTON & SMITH, PC

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203) 925-9400, extension 17

Facsimile: (203) 944-0245

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

March 11, 2009

Date

J. Droniak

Name of Person Making Deposit